


CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on October 27, 2005 to facsimile telephone number (571) 273-0300.
41,071



David W. Hibler

(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s):	Walke <i>et al.</i>	Group Art Unit:	1647
Application No.:	09/997,191	Appeal No.:	2004-2313
Filed:	11/20/2001	Examiner:	R. DeBerry
Title:	Novel Human Wnt-Family Protein and Polynucleotides Encoding the Same	Atty. Docket No.:	LEX-0270-USA

WITHDRAWAL OF APPEAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants acknowledge receipt of the Decision on Request for Rehearing ("the Decision") in the above-referenced matter, mailed on August 30, 2005, which has been carefully reviewed and studied. Appellants are disappointed with the conclusion of the Board to "decline to make any changes in the opinion" (the Decision at page 5), in reference to the Decision on Appeal in the present case, which was mailed on March 18, 2005. However, while Appellants maintain their disagreement with the rejections set forth by the Examiner, and do not agree with the decision of the Board that "affirmed the rejection of claims 1-6, all of the claims pending, for lack of patentable utility" (the Decision at page 1), Appellants hereby withdraw the present appeal (Appeal No. 2004-2313), entirely without prejudice and without disclaimer, in order to pursue claims in a continuing application, which was filed on October 27, 2005.

Appellants believe that no fees are due in connection with this request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892.

Respectfully submitted,

October 27, 2005
Date

David W. Hibler

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Agent for Appellants

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To: Dianne Maggard
Board of Patent Appeals and Interferences

From: David W. Hibler
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Fax: 571-273-0300

Date: October 27, 2005

Phone:

Pages: 3 (including coversheet)

Re: Appeal No. 2004-2313
Application Serial Number: 09/997,191
Atty. Dkt. No. LEX-0270-USA

CC: File

•Comments:

Please find attached a Withdrawal of Appeal No. 2004-2313. Please contact me at the number shown above if there are any questions.